

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:10-CV-539-FDW-DCK**

**LEE CONSTRUCTION COMPANY  
OF THE CAROLINAS, INC.,**

**Plaintiff,**

**v.**

**ZURICH AMERICAN INSURANCE  
COMPANY, ZURICH SERVICES  
CORPORATION, and JAMES A.  
SCOTT & SON, INC.,**

**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** *sua sponte* regarding scheduling concerns.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and immediate review is appropriate. Having carefully considered the record, and the comments of counsel during a telephone conference on January 11, 2012, and having consulted with Judge Whitney's chambers regarding his schedule and expectations, the undersigned will allow an amendment to the dispositive motions deadline.

During the telephone conference, counsel for Defendant Zurich American Insurance Company requested an extension of the dispositive motions deadline so that Defendant might have a better opportunity to depose a critical witness, Emerson Thompson, prior to drafting a motion for summary judgment. The parties appear to agree that Mr. Thompson is a key fact witness in this case, and that he is suffering from disabling health problems which have made it extraordinarily difficult to depose him.

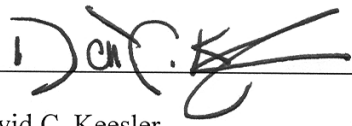
Based on the foregoing, the undersigned will extend the deadline for dispositive motions to be filed. Further extension of any deadline is unlikely.

**IT IS, THEREFORE, ORDERED** that the remaining deadlines for this case are as follows:.

Dispositive Motions (filed):	February 24, 2012;
Report on Mediation Results	March 16, 2012;
Dispositive Motions (hearing):	Week of April 2-6, 2012;
Pretrial Submissions:	7 calendar days before FPC;
Final Pretrial Conference (FPC):	Week of April 23-27, 2012;
Trial:	Term beginning May 14, 2012.

**SO ORDERED.**

Signed: January 11, 2012

  
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David C. Keesler  
United States Magistrate Judge

